[Deputy President.]

been defined in a way that could exclude any ambiguity on the subject. The only safe criterion under the circumstances will be to enforce that interpretation which will further the interest of legislaive work. The Census Bill was introduced in the Council yesterday. The ordinary Standing Orders were suspended. The Bill was taken up for consideration It is perfectly a non-contentious measure. Steps have to be taken by the Executive Government to carry out the provisions contained in the Bill at the earliest date possible. It does not strike me that the rights of the House will in any way be seriously prejudiced by accepting Mr. Paramesvaran Pillai's motion. Taking the usage of this House in the past and the usage of other Assemblies, it appears to me that there is nothing positively against the acceptance of the interpretation put by Mr. Kayalam Paramesvaran Pillai. I agree with Mr. Asan in thinking that a simple matter like this ought not to have taken so much time of the Council and it is open to the executive Government at the earliest stage to so amend the Rules that the members of the House may know exactly where they stand in the matter of the maintenance of their rights and privileges. I overrule the objection raised by Mr. Asan. I allow Mr. Paramesvaran Pillai's motion.

MR. C. S. KRISHNASWAMI AIYAR (*Ag. Financial Secretary to Government*): I second the motion.

DEPUTY PRESIDENT: May I take that the House agrees to the motion?

The motion was passed.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Travancore Revenue Recovery Regulation. The Bill has already been published in the Gazette with a statement of objects and reasons. I now beg to move that the Bill be read in Council.

MR. C. S. KRISHNASWAMI AIYAR (*Ag. Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This Bill relates to an amendment of Section 58 of the Regulation which lays down that the Government may by a notification in the Gazette —

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Will the Law Member explain the practice in Legislative matters in regard to the introduction of a Bill when copies of it are not circulated?

DEPUTY PRESIDENT: How does the question arise, Mr. Piraviperumal Pillai?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): A copy was not received.

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DEPUTY PRESIDENT: That is very unsatisfactory, Mr. Parameswaran Pillai. The question is not whether the House is likely to be seriously prejudiced. It is a statutory duty and must be discharged.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The duty has not been deliberately overlooked. My information is that copies have been sent from the office.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I rise to a point of order. When the Bill has not been published in the Gazette and copies of the Bill have not been sent to the members, I wish to know whether the Bill can be introduced in this Council. The facts relating to this Bill are these. The Bill was sought to be introduced yesterday and somehow or other it has been put off till today. The Bill was not published in the Gazette.

DEPUTY PRESIDENT: You say that you had not the time to familiarise yourself with the Bill?

MR. A. THANU PILLAI (*Trivandrum*): The Bill was published only in yesterday's Gazette.

DEPUTY PRESIDENT: It was day before yesterday.

MR. A. THANU PILLAI (*Trivandrum*): In the Gazette with the date of the day before yesterday, it seems to have been printed. But the Gazette was not circulated till about noon yesterday. We can easily understand that in order that there may be publication, the Gazette ought to have been circulated in time. Merely printing in the Gazette does not mean publication. I did not get the Bill till about noon yesterday. At the time it was sought to be introduced in the Council there was no publication whatsoever. Even today it is not likely that the Gazette would have reached all parts of the State. Under the circumstances there is no meaning in saying that it has been published. From what Mr. Piraviperumal Pillai says and from my own experience copies of the Bill were not circulated among members. I got a copy yesterday after asking for it. Nobody took the trouble of sending a copy to me. The point is whether even though according to what the Law Member is likely to say there is publication in the Gazette –

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): The Bill was sent to the member day before yesterday and his clerk has acknowledged receipt for it.

MR. A. THANU PILLAI (*Trivandrum*): I am sorry I have not got it; other members have also complained likewise.

DEPUTY PRESIDENT: I accept your assurance that it was not put in your hands.

MR. A. THANU PILLAI (*Trivandrum*): Though it might be technically said that it is published in the Gazette, it is not actual publication.

DEPUTY PRESIDENT: May I know the number of the Standing Order with reference to which you raise the question?

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MR. A. THANU PILLAI (*Trivandrum*): No. 29. It says:—

"When a Bill has been published under Rule 29 of the Travancore Legislative Council Rules, a copy of the Bill and of the Statement of Objects and Reasons shall be sent to every member."

DEPUTY PRESIDENT: Has that been done?

MR. A. THANU PILLAI (*Trivandrum*): That has not been done.

DEPUTY PRESIDENT: According to the statement of the Legislative Secretary a copy was sent to all the members before the Bill was introduced in the Council. And it is said that your clerk has passed a voucher the day before yesterday.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Has he got the copy of the Gazette?

MR. A. THANU PILLAI (*Trivandrum*): The information is that copies have not been received by members. Then there is the further question whether this sort of technical publication in the Gazette is sufficient.

MR. R. KESAVA PILLAI (*Kotiarakara* cum *Kunnattur*): May I know the time when the publication in the Gazette can be said to have taken place?

MR. A. THANU PILLAI (*Trivandrum*): Not by this time at any rate.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether he means by 'publication' publication at the time it reaches all persons or as soon as it is published in the Gazette?

MR. A. THANU PILLAI (*Trivandrum*): What I mean is 'after reaching the members.'

DEPUTY PRESIDENT: Mr. Thanu Pillai, you say that under Rule 29 the Bill could not be said to have been published in the Gazette, and a copy of the Bill with the statement of objects and reasons was not sent to you. The first is a question of interpretation and the second is a question of fact.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the Bill is printed and published for the information of all the people of Travancore?

MR. A. THANU PILLAI (*Trivandrum*): I think it only means that it is printed by the Superintendent, Government Press, for publication throughout the State. In fact Mr. A G. Menon may not have got it even now.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): I raise a point of order about the publication.

അതായതു് ഗസറ്റിൽ പരസ്യംചെയ്യാൽമതിയൊ?

DEPUTY PRESIDENT: That is the question that is being discussed Mr. Thanu Pillai has raised a point of order and you can speak about it.

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MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*): അതായതു് അഞ്ചേമിൽ ഇട്ടാൽമതിയോ, മെമ്പർമാക്കു കിട്ടണമെന്നല്ലയോ?

DEPUTY PRESIDENT: Excuse me, you have no right to raise a point of order while another is under discussion, if you find your objection is covered by that discussion.

MR. A. THANU PILLAI (*Trivandrum*): Under Rule 29 it is necessary the Bill should have been published and a copy sent to every member if the introduction of a Bill is to be moved. The publication in the Gazette is taken to be sufficient to dispense with the necessity for asking for leave to introduce a Bill. That shows that there is publication and that the members of the House had ample time to understand the provisions of the Bill. The basis of the Rule is that the necessity for leave may be dispensed with under the circumstances stated therein. Legislation is not meant to be done in secret. The question is whether under these circumstances the Bill can be said to have been published in the Gazette and circulated to the members?

DEPUTY PRESIDENT: According to you the leave of the House must be obtained for the introduction of the Bill because there was no publication in the Government Gazette as contemplated in Rule 29 of the Legislative Council Rules. Is that your position?

MR. A. THANU PILLAI (*Trivandrum*): Yes, Sir.

DEPUTY PRESIDENT: Your contention is that in order that the Law Member might be permitted to introduce a Bill without the leave of the House, the conditions of Rule 29 should have been complied with. If that has not been complied with, then the ordinary course laid down in the Rule should be followed and he must obtain the leave of the House.

MR. A. THANU PILLAI (*Trivandrum*): That is exactly my position, Sir.

Coming to the practical aspect of the matter, we know that members come from all parts of the State and if sufficient time is not given to them to study the subject and to deal with the measure that is to be placed before the House, it would be a thoroughly unsatisfactory way of dealing with a piece of legislation and that can by no means be countenanced. Sir, the Bill was placed in the hands of members, yesterday and today and they are asked to discuss it. Is it fair I ask? Are not the members expected to study the Bill and then discuss it, or are they merely to sit idle in this House and merely raise their hands or refuse to raise their hands when occasion arises? I think they are expected to study the Bill; and reasonable time should be given for that. So, I want the Chair to give a ruling on the question whether in these circumstances the provisions of Rule 29 have been complied with.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, in supporting the point of order, I raise another point of order. In standing Order 3 sub-clause (*b*) it is stated:

"The Secretary shall at least fourteen clear days before the date fixed for each meeting sent to every member a provisional list of legislative business to be brought

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[Mr. K. P. Nilakanta Pillai.]

forward at such meeting. After sending such provisional list, the Secretary shall send to every member a statement of the business to be transacted at such meeting so as to reach his permanent or Trivandrum address at least three days before the date of each meeting."

DEPUTY PRESIDENT: That has not been done. Is that your contention? You say that the first provisional list does not include this item, the Revenue Recovery Regulation Amendment Bill.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): It does.

DEPUTY PRESIDENT: On behalf of the Government the assurance is given that this Bill is also included. Probably there may be a supplementary list. I am now asking for information whether the motion is in the first list or in the supplementary list. The first list has been sent fourteen clear days before. It does not contain this Bill which may be taken up for consideration?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then it finds a place in the second list, and fourteen clear days have not expired.

DEPUTY PRESIDENT: So your position is under Standing Order 3 (*b*) there ought to be fourteen clear days' notice by the inclusion of the proposed legislative measures in the provisional list. It was in the second list. But there was not fourteen clear days' notice?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The first list was circulated fourteen days before and the second was not circulated then.

DEPUTY PRESIDENT: Therefore you say that the Bill cannot be taken into consideration because it is a question of fact?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I would also bring to the notice of the members the President's ruling on a previous occasion. The question is whether fourteen clear days' notice has been given; and I am for upholding the ruling given on an earlier occasion by the late President.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): It was despatched on the 24th April and the meeting was to be held on the 14th of May.

DEPUTY PRESIDENT: The meeting was to begin only on the 14th and even assuming that a period of five days is taken by the Anchal Department for transit, you have 15 clear days.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There was a supplementary list also and that was not received by me.

DEPUTY PRESIDENT: You do not say that it was deliberately withheld from you. We shall assume that the provisional list was issued and there was at least fourteen clear days' notice. Then, that objection goes. The only point of order before the House is whether the provisions of Rule 29 have been complied with by the mere fact that the Bill was published in the Travancore Government Gazette a day or two before it was introduced in the Council for consideration.

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A great advantage is thus being secured it may be in some instances by the Government and in others by the non-official members, that they need not secure the leave of the House provided it has been published in the Gazette with the permission of the Dewan and the opportunity is being taken away from the Council to express their views if a motion for leave of the House is insisted on. It is now open to the House to consider whether you have fulfilled the requirements of Rule 29. Whether three days' notice or two hours' notice was given, to my mind, does not make any difference.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Rule 29 lays down:

"The Dewan may order the publication of any Bill (together with the statement of objects and reasons accompanying it) in the Gazette etc.",

Then standing Order 31 lays down:

"At any time after a Bill has been published in the Gazette, the member in charge of the Bill may introduce it."

If as a matter of fact the Dewan has not ordered the publication of the Bill and the Bill has not been published I concede that I am not in order in introducing the Bill today.

DEPUTY PRESIDENT: Then the whole controversy would stand on whether the Dewan ordered the publication only two days before, and the Law Member was empowered to introduce it in the Council. We have to consider that piece of legislation in the way in which all Statutes are interpreted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it has been pulished in the Gazette, it can be introduced at any time after that, even the next moment.

DEPUTY PRESIDENT: Does it satisfy the requirements of the spirit of the Law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what the Standing Order clearly lays down:

"At any time after a Bill has been published in the Gazette, the member in charge of the Bill may introduce it."

DEPUTY PRESIDENT: I concede that it is published in the Gazette in the way in which publication is to be considered. You may introduce it *at any time* without the leave of the House. But his contention is that there has not been publication in the sense in which that word is to be considered in Rule 29.

MR. KAYALAM PARMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It has been published as a matter of fact. A member living at Parur, Devicolam or some other distant place might not have got the Gazette. But that does not mean that there has not been publication.

DEPUTY PRESIDENT: What is the object of the Rule?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it so urgently required?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am just now saying that the technical requirements of the Rules have been complied with.

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DEPUTY PRESIDENT: Supposing in the present instance, it is conceded that in view of the non-controversial character of the Bill or in view of the urgency, the Council should not press that technicality; and you may introduce a Bill without obtaining the leave of the House. Here it is a question of principle whether two hours' or two days' notice is given. It does not make any difference in the legal interpretation of the expression and we must have some clear idea as to what you mean by publication.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it has been issued in the Gazette it means publication and we cannot speculate upon whether Mr. A. G. Menon or some other member living in Parur, Udumbhomchola or some other distant place did or not get it.

DEPUTY PRESIDENT: What is the object of the publication and why should the legislature allow you the privilege of introducing the Bill without the leave of the House? Is it because there is the guarantee that there is publication in sufficient time to enable the general public to offer their criticisms and the members of the Council to come thoroughly prepared for it. Then you say that this happens to be non-controversial matter. I am not expressing any opinion. I keep an open mind. I want to ask you how do you meet the argument. You mean to introduce the Bill and you do not ask the leave of the House. You want to continue the Bill on its merits and they say 'we are unable to do it; because there has not been sufficient time to study the subject' and it is a reasonable complaint. Unfortunately according to the law you are in the right.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, Sir, I submit that so far as the rule is concerned, when the Bill has been published, the member in charge of it can introduce it in the Council at any time.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): അച്ചടിച്ചു വെളിയിൽ ഇറങ്ങുന്നതിനുമുമ്പു പ്രിൻറിംഗ് പ്രസ്സിൽവച്ചു തന്നെ അവതീ പിടിച്ചു പോയിരുന്നു വിചാരിക്ക. അപ്പോൾ അതു് പബ്ലിഷ് ചെയ്തതായിട്ടു വിചാരിക്കാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ വരുമ്പോൾ പറയാം.

DEPUTY PRESIDENT: He wants to know whether a mere printing would mean publication in the Gazette.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not say that mere printing is publication.

DEPUTY PRESIDENT: You bring it to the notice of the House that mere printing is not publication and that it has been despatched. It is the public who are interested in the enactment or otherwise of this

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measure. It is Travancoreans who have an interest to see that an undesirable legislation is not passed. That is the sense in which you should put it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We must not mix up these questions. We must deal with them in water-tight compartments as it were. First of all, we must see whether the requirements of law have been satisfied and then we shall proceed to consider whether there has been any prejudice in fact.

DEPUTY PRESIDENT: He approached the question from different standpoints and tried to make it clear that the Bill has not been published sufficiently early.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My contention is this. When the matter has been printed in the Gazette and the Gazette has been issued for circulation it means publication, I think.

DEPUTY PRESIDENT: It has not left Trivandrum.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be. Even then there is publication.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): അച്ചടിച്ച അഞ്ചലാപ്പീസിൽ കെട്ടി അയച്ചതിനു ശേഷമാണ് തീപിടിച്ചുപോയതെങ്കിൽ പബ്ലിക്കേഷനാകുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All these hypothetical questions I am not bound to answer.

DEPUTY PRESIDENT: You must meet all the arguments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that I must. Mr. Thanu Pillai's contention has been that Mr. A. G. Menon may not have got a copy of the Gazette, or somebody else might not have got; and therefore there has been no publication. With reference to that I say that I am not bound to prove that all such gentlemen saw or got a copy of the Gazette.

DEPUTY PRESIDENT: I can concede that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sikar Vakil*): So then it has been *published* in the Gazette. There can be little doubt about that.

DEPUTY PRESIDENT: I can follow your contentions Mr. Parameswaran Pillai. You say that some individuals may not have got copies of the Bill. It is nevertheless a publication if it has been issued from the printing press for despatch to different stations. Whether it is despatched by the Anchal authorities or not you are not concerned with. You say when once the Printing Department clears the stock, publication has been made.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Suppose the printing press gives two or three copies to certain individuals. Does it mean publication?

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DEPUTY PRESIDENT: Even though Mr. A. G, Menon or some other member residing at the farthest place from the Capital may not have got copies of the Gazette, Mr. Paramesvaran Pillai's contention is that publication has been made. According to him, after the printing is finished and the Gazette has been sent out from the Press for circulation then publication has been made.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Are we discussing it or are we trying to get a ruling?

DEPUTY PRESIDENT: We are discussing it so as to get at a ruling.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My contention is that I am entitled to introduce the Bill at any time, even if it be only half an hour, after the publication has taken place.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know the object with which that Rule is included in the Legislative Council Rules?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the files relating to the framing of the Rules. If Mr. Asan gives any logical suggestion I am prepared to concede. Now, at this moment, the Rule is clear and I am not concerned with the object of the Rules.

MR. A. THANU PILLAI (*Trivandrum*): Has the Law Member any idea as to why that Rule finds a place in the Council Rules?

DEPUTY PRESIDENT: He has answered that question and has candidly said that he is not in a position to give the object of the Rule.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So then, Sir, the only question is whether it has been published in the Gazette and it seems to me that that is not seriously denied too.

The next point, a not unimportant one, I am prepared to concede is whether by taking advantage of this Rule Government cannot bring in any controversial or complicated measure of any far-reaching consequences and thus spring it upon the Council all of a sudden, as a surprise. In regard to that, it must be presumed that Government do not want to act unreasonably. But apart from that, the House has its remedy. When I explain the Bill, if they find it difficult to grasp its principles they can move a postponement of the debate on the Bill. Then how can the House be considered to be at the mercy of Government?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know, Sir, whether there is any particular reason to hurry up this Bill?

DEPUTY PRESIDENT: You are not entitled to put that question, Mr. Asan.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I think the Law Member is making much of my reference to Mr. A. G. Menon.

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DEPUTY PRESIDENT: Do not you make much of it either?

MR. A. THANU PILLAI (*Trivandrum*): He was making much of that, Sir.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Do you mean to say that Mr. A. G. Menon is not a public of Travancore?

DEPUTY PRESIDENT: Do not drag in his name. Mr. A. G. Menon happens to be the member living farthest from the Capital and so his name was brought in.

MR. A. THANU PILLAI (*Trivandrum*): The Law Member seems to think that the matter is published as soon as the Gazette leaves the premises of the Press.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For the purpose of public circulation.

MR. A. THANU PILLAI (*Trivandrum*): Whether there has been sufficient publication or not has to be determined with reference to the object of the publication. Sir, if a defamatory matter is printed in the Gazette and one copy of the Gazette is given to a particular individual, that may be publication enough for the purpose of a prosecution for defamation. But then the object of publishing a Bill in the Gazette is to inform the public at large of what is going to take place in the Council. I maintain that that has not been done in sufficient time to enable the public to understand what Bill is going to be introduced. I was astonished to find the Law Member maintaining the position that as soon as the matter is printed in the Gazette and copies of it are issued from the printing press for circulation, there has been publication. That is a position, Sir, which I cannot for a moment understand. I do not mean to say because Mr. Menon did not get a copy of it, there has not been publication. But there must be sufficient time to enable the public to understand what it is. That is my position. So the object of the publication has to be looked into in determining whether there bas been publication or not. There must be a reasonable time between printing and circulation and the introduction of the measure into the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Bill can be introduced at any time after the publication, if there has been publication.

MR. A. THANU PILLAI (*Trivandrum*): Strictly speaking there has been no publication at all. It was mere printing. Will he say that the Bill can be introduced after merely printing it and sending it out of the Press?

I still maintain that there has not been publication as contemplated by the Rule. What is publication for? It is for the people to know what is being done in the Council; and at least there must be time for the Gazette to go to all parts of the State.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Is it his contention that a reasonable time should be given after publication?

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MR. A. THANU PILLAI (*Trivandrum*): When sufficient publicity has been given there is publication. Merely sending them out of the Press is not publication.

DEPUTY PRESIDENT: There ought to be a reasonable time after publication. Is that what you mean, Mr. Thanu Pillai ?

MR. A. THANU PILLAI (*Trivandrum*): Yes, Sir, that also is necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know, Sir, what according to him would be the reasonable time ?

DEPUTY PRESIDENT: Naturally, Mr. Thanu Pillai, he puts you the question what according to you would be a reasonable time. You may answer the question or decline to answer.

MR. A. THANU PILLAI (*Trivandrum*): Reasonable time to reach all parts of the State and all people who are diligent enough to understand what is taking place. Has there been any attempt to enable the people to do so ?

DEPUTY PRESIDENT: Even though the Bill has been ajourned to today, do you mean to say that the time is not sufficient for you to bestow your serious attention to the question?

MR. A. THANU PILLAI (*Trivandrum*): There has not been sufficient time even for the members. The Law Member may say that it is after all a non-controversial matter. But to me it appears to be a serious matter ; and here it is contemplated to invest non-governmental bodies with powers.

DEPUTY PRESIDENT: I do not allow you to refer to that. Let us first get rid of the legal difficulty.

MR. A. THANU PILLAI (*Trivandrum*): I simply said what the Bill seeks to do.

DEPUTY PRESIDENT: Will you kindly tell me the particular provision of law on which he relies that publication has been made ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I would draw the attention of the House to Clause 19 of the General Clauses Regulation where 'publication' is defined :—

"Where in any Regulation or in any rule, it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Regulation otherwise provides, be deemed to have been made if it is published in the Gazette."

DEPUTY PRESIDENT: Mr. Kayalam Paramesvaran Pillai, please refer to Standing Order 26 and say whether it is open to the House to have the business of the House adjourned if real difficulty has been experienced in the course of the discussion of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI. (*Additional Head Sirkar Vakil*): The debate can be adjourned, I think, Sir, under Standing Order 26.

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DEPUTY PRESIDENT: Mr. Thanu Pillai objects to the introduction of the Bill for amending the Revenue Recovery Regulation on the ground that there has not been publication within the meaning of the word as used in Rule 29 of the Legislative Council Rules. According to him the leave of the House is dispensed with by the act of its publication in the Government Gazette with the permission of the Dewan. His complaint is that sufficient interval, a reasonable interval must elapse after the publication in the Gazette and before its introduction into the Council so that the public and the members of the Council may be in a position to understand the object of the particular piece of legislation and be in a position to offer useful and effective criticisms when it is introduced into the Council. There is much force in the contention put forward by Mr. Thanu Pillai. A great privilege is being conferred on members who want to introduce a Bill into the Council by getting permission of the Dewan and publishing it in the Government Gazette, that way obviating the necessity to secure the leave of the House itself. Under those circumstances it is only fair that a fairly reasonable time should be allowed to the members before its introduction into the Council. The point however that I have to decide has to be decided with reference to the Rules and Standing Orders on the subject even though in my opinion it leads to what may be regarded as a flagrant violation of the privileges of the Council. According to Mr. Paramesvaran Pillai it is open to the member in charge of the Bill which has been published in the Gazette to introduce it within half an hour after its publication. Strictly speaking I am not prepared to rule that he is not right. Technically he is right. But the other difficulty that stares me in the face is whether the Council is not being deprived of the opportunity of offering intelligent useful criticisms at the preliminary stage of the introduction of the measure. The necessity for an elaborate consideration must depend therefore upon the nature of any particular enactment which is introduced into this Council. While he may be strictly within his rights in introducing it into the Council it will be equally within the province of the Council to move for the adjournment of the business to a later date if in the judgment of the House the Bill is complicated and requires more careful analysis before its principles are affirmed. Mr. Paramesvaran Pillai drew my attention to Standing Order 26 which enables the House to move for the adjournment of the business and to my mind that really takes the sting out of the whole situation. If, as you go on discussing the principle of the Bill, you find that full justice cannot be done to it in the course of its discussion, there is absolutely no objection to your moving for a postponement of the consideration of this particular measure. So the apparent wrong is not without a remedy. In that view of the case, I am not prepared to hold that the strict grammatical interpretation placed by Mr. Paramesvaran Pillai on the Rule is not sound. I overrule the objection raised by Mr. Thanu Pillai while, of course, allowing him at a later stage the opportunity of moving for the postponement of this particular measure.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I was saying that this Bill relates to an amendment of Section 58 of the Revenue Recovery Regulation which lays down that the Government may by notification in the Government Gazette authorise any officer by name or virtue of his office to exercise any of the powers conferred by this Section on Division Peishkars, Tahsildars or Proverthicars. This Section empowers Government, to invest any officer with certain powers that are ordinarily exercised by certain Revenue Officers of Government. But the word 'officer' has not been defined in this Regulation. Consequently some doubts have been felt whether that term would include, besides officers of Government, officers of other institutions as for example officers of a Municipality, or officers of the Sripadom Palace. To remove such a doubt an explanation is proposed to be added to Section 58 which would enable Government to invest any officer of a Municipality etc., with the powers of a Peishkar, Tahsildar or Proverthicar under the Regulation, for the collection of public revenues.

It has been the practice of Government to invest the employees of the Municipalities and the Sripadom Palace with such powers of Tahsildar or Proverthicar as may be required for the collection of public revenue due to those institutions. In passing I may refer to the fact that the dues of the Sripadom Palace are public revenues within the definition of the term itself. Section 1 (*a*) of the Regulation contains an explanation which says that dues on Sripadom lands fall within the meaning of public revenue. Some doubt was however felt whether the employees of the Sripadom Palace engaged in the collection of that public revenue can be deemed "officers" within the meaning of Section 58. To remove such doubts I have brought in an amendment to say that the officers of a Municipality and in fact all persons engaged in the collection of public revenue are officers within the meaning of Section 58. That the revenues of a Municipality or Sripadom Palace can be recovered by coercive steps is laid down by law. I only want the persons engaged in the collection of such revenues to be invested with the necessary powers if the Government so decide. I do not want to incorporate any really new principle or propose any new scheme.

MR. A. THANU PILLAI (*Trivandrum*): Who felt the doubts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It has been felt by the officers of Government whether in accordance with Section 58 powers may be conferred on Municipal employees or Sripadom employees to collect taxes as public revenue. So, just to be on the safe side Government want to enact such an amendment so that they may not be guilty of any supposed mis-application of the Law.

MR. A. THANU PILLAI (*Trivandrum*): Has that question arisen in any Courts?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum*): May I know the grades of officers in the Sripadom Palace that are going to be empowered with powers to collect revenues under the Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Tahsildars and Proverthicars.

MR. A. THANU PILLAI (*Trivandrum*): Who is the officer of the Sripadom Palace now empowered to exercise that power?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Manager of the Sripadom Palace is invested with the powers of a Tahsildar.

MR. A. THANU PILLAI (*Trivandrum*): Who is empowered to exercise powers of the Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No employee of the Sripadom Palace is empowered, so far as I know, to exercise powers of the Peishkar. But appeals against the Manager's order lie to the Dewan Peishkar of Trivandrum.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): How does the collection of municipal tax come under Revenue Recovery Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is provision in the Municipal Regulation that municipal dues are to be collected like public revenues. Public revenues can be collected by the Dewan Peishkars, Tahsildars and Proverthicars. But the municipal employees have to collect the revenues of a Municipality. They are not Tahsildars and Proverthicars. Now what is proposed is to take power to invest the employees of a Municipality with the necessary powers. For that purpose they must be officers within the meaning of Section 58. Hence the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there anything in this Regulation which disentitles the Government to invest the powers of a Peishkar on a Sanitary Officer?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I don't say so absolutely. I only say that some doubts have been felt.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): By this provision am I to understand that Government will not invest the Sanitary Officer with the powers of the Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even now if the Government want they can invest, say, even an Excise Petty Officer with the powers of the Peishkar. But Government will act only reasonably.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether Government have any control over the Sripadom employees?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not so far as I know.

MR. A. THANU PILLAI (*Trivandrum*): Suppose the employees of the Sripadom Palace abuse their power?

DEPUTY PRESIDENT: In the matter of collection of revenue they are subject to the orders of Government.

MR. A. THANU PILLAI (*Trivandrum*): I believe the Manager of the Sripadom Palace is not amenable to Government control.

DEPUTY PRESIDENT: That question does not arise.

MR. A. THANU PILLAI (*Trivandrum*): Suppose he misuses the powers? Are the Government in a position to punish him?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it is proved that he has abused the power, the Dewan Peishkar can set aside his orders just like the Dewan Peishkar's setting aside a Tahsildar's or Proverthicar's orders.

DEPUTY PRESIDENT: In the case of the Peishkar he may not be able to punish him. If there is any abuse of power, the Peishkar as the appellate authority can punish him.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is he subject to the disciplinary control of the Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum*): Are there any qualifications prescribed for the employees of the Sripadom Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; not so far as I know.

MR. A. THANU PILLAI (*Trivandrum*): Can Government prescribe qualifications?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If I am asked about the relationship between the Government and the Sripadom Palace and the implications arising therefrom, I am not probably competent to speak. It may be a matter of history and high political policy. In any event that question does not arise.

MR. A. THANU PILLAI (*Trivandrum*): I want neither history nor policy. I want the fact as to whether Government can exercise disciplinary control over employees of the Palace.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government *do not* exercise any control.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Council is competent to enact a legislation which will affect the Sripadom Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Council is not competent; matters relating to Sripadom are beyond the purview of the Council.

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MR. A. THANU PILLAI (*Trivandrum*) : Is it subject to the control of Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No.

MR. A. THANU PILLAI (*Trivandrum*) : I suppose the Municipalities are.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That depends upon the provisions of the Municipal Regulation; Government have some control over Municipalities.

MR. A. THANU PILLAI (*Trivandrum*) : You cannot put it in that qualified fashion.

DEPUTY PRESIDENT : Mr. Thanu Pillai, you are aware, so far as appointments in the Municipality are concerned, Government have full power over them.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, what I want to submit before the House is that if the employees of the Sripadom Palace are invested with the powers of Tahsildars and Proverthicars they may do incalculable harm to the land-holders. There is no means of palace employees being controlled by Government. Under the circumstances what is the meaning of entrusting such men with all this power ?

DEPUTY PRESIDENT : Municipal employees are under the control of Government.

MR. A. THANU PILLAI (*Trivandrum*) : Can Government exercise disciplinary control over the Sripadom officers ? I am not for investing these men with such powers. There is some difference between officers of Government and officers of the Sripadom Palace. It is a great blunder if officers of the Sripadom Palace are invested with powers of Tahsildars and Proverthicars. I oppose the measure. There is no qualification prescribed for palace employees. They are not amenable to Government control. If these officers are invested with powers to distrain movable properties or attach immovable properties and sell them the consequences may be dangerous. For these reasons I oppose the introduction of this Bill.

DEPUTY PRESIDENT : What I understand from your speech is you object to the Palace employees being invested with such powers. You are agreeable to the Municipal subordinates being given powers for realising Municipal dues. Otherwise Government will be put to the necessity of diverting the ordinary land revenue staff to help the Municipalities to realise their dues. By the present amendment Government are just throwing to Municipal bodies to-day their legitimate work of collection of revenue. This would in a great way relieve the Land Revenue Establishment of very heavy work.

MR. A. THANU PILLAI (*Trivandrum*) : I understand all that. I object to the Bill as a whole.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*) : ഈ ബിൽ സൊ കയ്യുമായിട്ട് വായിച്ചു നോക്കി അഭിപ്രായം പറയുന്നതിന് സന്ദർഭം

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[Mr. Revati Nal Rama Varma Raja.]

ലഭിച്ചിട്ടില്ലാത്തതിനാൽ ഇതിനെ സംബന്ധിച്ചുള്ള വാദപ്രതിവാദം ഇനിഒരവസരത്തിലേക്ക് മാറിവയ്ക്കണമെന്ന് ഞാനഭിപ്രായപ്പെടുന്നു.

MR. L. R. RAJA RAJA VARMA KOILTAMPURAN (*Changanachery cum Peermade*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it.

DEPUTY PRESIDENT: Let me know the sense of the House by taking votes in the matter, namely, whether the debate on the Bill has to be adjourned for further consideration.

Those who are for the motion, please signify their opinion by showing hands.

On counting a good many of the members voted for the debate being adjourned.

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): I demand a poll.

A poll was taken with the following result:—

AYES 27.

1. Mr. V. Chellam Pillai.
2. ,, A. S. Damodaran Asan.
3. Mrs. Elizabeth Kuruvila.
4. Mr. Ittoop Itteechan
5. ,, D. C. Joseph.
6. ,, K. C. Karunakaran.
7. ,, K. N. Kesavan Namputiripad.
8. ,, R. Kesava Pillai.
9. ,, T. C. Kesava Pillai.
10. ,, Tamarapallil Kochutomman.
11. ,, N. R. Krishnan.
12. ,, N. K. Krishna Pillai.
13. ,, V. S. Krishna Pillai.
14. ,, A. C. Kuriakose.
15. ,, K. Madhavan Pillai.
16. Mr. P. S. Mahomed.
17. ,, H. B. Mahomed Rowther.
18. ,, Matthew Murikkan.
19. ,, G. P. Nilakanta Pillai.
20. ,, K. P. Nilakanta Pillai
21. ,, Muruvelil Pachu Pillai.
22. ,, K. Padmanabha Panikkar.
23. ,, K. G. Parameswaran Pillai.
24. ,, L. R. Raja Raja Varma Koil Tampuran.
25. ,, R. Raman Pillai.
26. ,, Revati Nal Rama Varma Raja.
27. ,, A. Thanu Pillai.

NOES 15.

1. Mr. V. Arunachalam Aiyar.
2. ,, I. C. Chacko.
3. ,, R. Dhanukoti Pillai.
4. ,, P. Gomatinayakam Pillai.
5. ,, P. N. Krishna Pillai.
6. ,, C. S Krishnaswami Aiyar.
7. Rao Sahib Dr. N. Kunjan Pillai.
8. Mr. T. K. Madhavan Nayar.
9. ,, Kayalam Parameswaran Pillai.
10. Dr. K. Raman Tampi.
11. Mr. T. P. Ramasubba Aiyar.
12. ,, S. C. H. Robinson.
13. ,, R. Vaidyalingom Pillai.
14. ,, S. Piravipermal Pillai.
15. ,, K. Madhavan.

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NEUTRALS 2.

1. Mr. A. G. Menon. | 2. Mr. D. Francis.

Mr. Revati Nal Rama Varma Raja's motion was declared carried.

THE INCOME TAX REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce a Bill to amend the IncomeTax Regulation which as I said yesterday has been published in the Gazette with a statement of objects and reasons. I now beg to move that the Bill be read in Council.

MR. C. S. KRISHNASWAMI AIYAR (*Ag. Financial Secretary to Government*): I second it.

MR. A. THANU PILLAI (*Trivandrum*): I rise to a point of order. It was only a minute ago that one point of order was raised and the same point of order would apply in this instance also. The facts I have to adduce in support of the point of order are the same as those advanced before. So I need not waste the time of the Council.

DEPUTY PRESIDENT: You say that the Bill cannot be taken into consideration because there has not been publication in the Gazette as contemplated in Rule 29 of the Legislative Council Rules. I have already given the ruling on the question in connection with the Revenue Recovery Regulation amendment Bill and for the point of order you now raise, the same ruling of mine will apply.

MR. A. THANU PILLAI (*Trivandrum*): I do not think I am precluded from raising the same point of order.

DEPUTY PRESIDENT: No, not at all.

MR. A. THANU PILLAI (*Trivandrum*): It was suggested by my friends here that—

DEPUTY PRESIDENT: There is nothing like *res judicata* in the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles of this Bill. Two distinct proposals are made by this Bill. The first and the more important of the two is the imposition of a super-tax on excess incomes above a limit of Rs. 50,000 a year. A super-tax is only an additional income tax over and above the income tax now leviable and is proposed in respect of the excesses above Rs. 50,000 a year. Such a kind of tax exists in British India and Mysore. The rate that is proposed for the super-tax is a uniform rate of one chuckram twelve cash in the rupee. In British India it ranges from one anna to six annas in the rupee according to the amount of the excess income. In Mysore the rate is a uniform rate of one anna. A uniform rate is proposed for Travancore too. That is the actual provision of the Bill. In support of the Bill, let me state at the outset that the object of imposing a super-tax is not to raise any additional revenue and that it is not the real intention of

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